

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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NEW YORK METROPOLITAN REGIONAL
CENTER, L.P. II,

Plaintiff,

-against-

20 **CIVIL** 9477 (JMF)

JUDGMENT

MAMMOET USA HOLDING, INC.,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated August 6, 2021, Thankfully, here, unlike in the aborted *New York Wheel* case, the jurisdictional allegations in the Complaint were apparently accurate in the first instance and the question of subject-matter jurisdiction was thus flagged at the outset. But the bottom line is the same: Lacking a valid basis to exercise subject-matter jurisdiction pursuant to Section 1332, the Court must grant, and therefore does grant, Mammoet Holding's motion to dismiss for lack of subject-matter jurisdiction. Accordingly, the case is dismissed without prejudice. *See, e.g., Katz v. Donna Karan Co., L.L.C.*, 872 F.3d 114, 121 (2d Cir. 2017) (reaffirming that dismissals for lack of subject-matter jurisdiction must be without prejudice), and this case is closed.

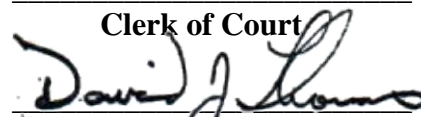
Dated: New York, New York

August 9, 2021

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk